

KC FILED

JAN 31 2007

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

Kirsten L. Schütz )  
 )  
 )  
 )  
 )  
(Name of the plaintiff or plaintiffs) )  
 )  
 v. )  
 )  
A.G. Edwards & Sons, Inc. )  
 )  
 )  
 )  
(Name of the defendant or defendants) )

CIVIL ACTION

07CV619

JUDGE BUCKLO

MAGISTRATE JUDGE KEYS

**COMPLAINT OF EMPLOYMENT DISCRIMINATION**

1. This is an action for employment discrimination.

2. The plaintiff is Kirsten L. Schütz of the  
county of DuPage in the state of Illinois.

3. The defendant is A.G. Edwards & Sons, Inc., whose  
street address is One North Jefferson Avenue,  
(city) St. Louis (county) Jefferson (state) Missouri (ZIP) 63103  
(Defendant's telephone number) (314) - 955-3000

4. The plaintiff sought employment or was employed by the defendant at (street address)

222 South Riverside Plaza, Suite 300 (city) Chicago  
(county) Cook (state) Illinois (ZIP code) 60606

5. The plaintiff [*check one box*]

- (a) ☐ was denied employment by the defendant.
- (b) ☐ was hired and is still employed by the defendant.
- (c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,

(month) January, (day) 1, (year) 1997.

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

- (a) The defendant is not a federal governmental agency, and the plaintiff [*check one box*] ☐ *has not* filed a charge or charges against the defendant

☒ *has* asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i) ☒ the United States Equal Employment Opportunity Commission, on or about  
(month) November (day) 29 (year) 2004.
- (ii) ☐ the Illinois Department of Human Rights, on or about  
(month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_.

(b) If charges *were* filed with an agency indicated above, a copy of the charge is attached. ☒ YES. ☐ NO, but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

- (a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month)\_\_\_\_\_ (day)\_\_\_\_\_ (year)\_\_\_\_\_

☐ No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month)\_\_\_\_\_  
(day)\_\_\_\_\_ (year)\_\_\_\_\_.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☐ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ YES ☐ NO, but a copy will be filed within 14 days.

8. *(Complete paragraph 8 only if defendant is not a federal governmental agency.)*

(a) ☐ the United States Equal Employment Opportunity Commission has not issued  
a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a  
*Notice of Right to Sue*, which was received by the plaintiff on  
(month) November (day) 4 (year) 2006 a copy of which  
*Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only those that apply*]:

(a) ☐ Age (Age Discrimination Employment Act).

(b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

- (c) ☒ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☐ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)
10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).
11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.
12. The defendant *[check only those that apply]*
- (a) ☐ failed to hire the plaintiff.
- (b) ☒ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☒ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ failed to stop harassment;
- (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☐ other (specify): \_\_\_\_\_
-

13. The facts supporting the plaintiff's claim of discrimination are as follows:

Plaintiff Kirsten alleges that throughout her employment with defendant company, said company engaged in a willful and intentional pattern and practice of discriminatory treatment towards her and continuously subjected her to harassment and created a hostile "see additional page"

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff  
**[check only those that apply]**

- (a) ☐ Direct the defendant to hire the plaintiff.  
(b) ☒ Direct the defendant to re-employ the plaintiff.  
(c) ☐ Direct the defendant to promote the plaintiff.  
(d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.  
(e) ☒ Direct the defendant to reasonably accommodate the plaintiff's disabilities.  
(f) ☐ Direct the defendant to (specify): \_\_\_\_\_

"Item 13 continued"

work environment for her.

Plaintiff Kirsten alleges that defendant's willful, intentional, and discriminatory acts engaged in by its employees, agents and officers towards her were motivated by defendant's intention to discriminate against her based on her disabilities which included but were not limited to chronic syncopal disorder, chronic asthma, sleep apnea, high blood pressure, chronic lymphedema, chronic cellulitis and diabetes, all of which defendant company was aware of.

Plaintiff Kirsten alleges that defendant company further willfully and intentionally discriminated against her based on her disabilities, in that said company denied her reasonable work accommodations, placed her on an involuntary medical leave of absence, and wrongfully discharged her in retaliation for complaining about disability discrimination, said acts also reported to said company HR department twice, with both complaints completely overlooked, and nothing done, and nobody contacting her.

Plaintiff Kirsten alleges that as a direct and proximate result of defendant's discriminatory acts committed against her, she has sustained, is sustaining, and will sustain in the future, loss of income, and great physical and emotional harm, including, but not limited to, depression, embarrassment and anxiety.

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- (h) ☒ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

Kirsten L. Schatz

(Plaintiff's name)

Kirsten L. Schatz

(Plaintiff's street address)

276 E. St. Charles Rd.

(City) Elmhurst (State) IL (ZIP) 60126

(Plaintiff's telephone number) (630) - 530-4003

Date: January 31, 2007

EEOC Form 5 (5/01)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

210-2005-01172

**Illinois Department Of Human Rights**

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

**Ms. Kirsten Schutz**

Home Phone No. (Incl Area Code)

**(630) 530-4003**

Date of Birth

**06-09-1964**

Street Address

**276 E. St. Charles Road**

City, State and ZIP Code

**Elmhurst, IL 60126**

Named Is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**A.G. EDWARDS & SONS INC**

No. Employees, Members

**500 or More**

Phone No. (Include Area Code)

**(312) 648-5200**

Street Address

**222 S. Riverside Plaza**

City, State and ZIP Code

**Chicago, IL 60606**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
☒ RETALIATION ☐ AGE ☒ DISABILITY ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**01-01-1997****11-02-2004**☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

I began employment with Respondent on or about September 1, 1987. My most recent position was Registered Commodities Brokers Assistant. In September 1993, I was diagnosed with a disability from an accident. Since 1997, when I began reporting to a new supervisor and continuing throughout my employment, I was subjected to harassment by management making derogatory comments regarding my and my co-worker's disabilities. I complained to the Human Resources Director about the harassment, however, no action was taken. In March, 2004, after coming off medical leave, I was forced by Respondent to go back on medical leave until my condition was better, even though my doctor had already given me permission to return to work. I returned to work on August 16, 2004 after turning in another medical release. On November 2, 2004, Respondent terminated my employment stating I had unexplained absences, but management failed to acknowledge the letter of explanation I had written on November 1, 2004.

I believe I have been discriminated against and retaliated against because of my disabilities in violation of the Americans with Disabilities Act of 1990.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

**Nov 29, 2004**

Date

*Kirsten Schutz*

Charging Party Signature





**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Chicago District Office**

500 West Madison Street, Suite 2800  
Chicago, IL 60661  
(312) 353-2713  
TTY (312) 353-2421  
FAX (312) 353-4041

EEOC Charge Number: 210-2005-01172

Kirsten Schutz  
276 East St. Charles Road  
Elmhurst, Illinois 60126

Charging Party

v.

A.G. Edwards & Sons, Inc.  
222 South Riverside Plaza  
Chicago, Illinois 60606

Respondent

**DETERMINATION**

Under the authority vested in me by the Commission's Procedural Regulations, I issue the following determination on the merits of the subject charge filed under the Americans with Disabilities Act of 1990, (ADA).

The Respondent is an employer within the meaning of the ADA and all requirements for coverage have been met.

The Charging Party alleges that she was discriminated against, in that the Respondent subjected her to harassment because of her disability, and denied her a reasonable accommodation, placed her on an involuntary medical leave of absence, and discharged her in retaliation for complaining about disability discrimination, in violation of the ADA.

I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that Respondent discriminated against Charging Party by subjecting her to harassment because of her disability, and denied her a reasonable accommodation, placed her on an involuntary medical leave of absence, and discharged her in retaliation for complaining about disability discrimination, in violation of the ADA.

This determination is final. When the Commission finds that violations have occurred, it attempts to eliminate unlawful practices by informal methods of conciliation. Therefore, I invite the parties to join with the Commission in reaching a just resolution of this matter. Disclosure of information obtained by the Commission during the conciliation process will be made only in accordance with the Commission's Procedural Regulations (29 CFR Part 1601.26).

EEOC Charge Number: 210-2005-01172

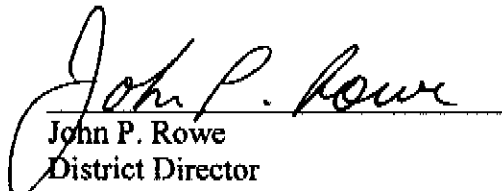
Page 2

If the Respondent wishes to accept this invitation to participate in conciliation efforts, it may do so at this time by proposing terms for a conciliation agreement; that proposal should be provided to the Commission representative within 10 days of the date of this determination. The remedies for violations of the statutes we enforce are designed to make the identified victims whole and to provide corrective and preventive relief. These remedies may include, as appropriate, an agreement by the Respondent to not engage in unlawful employment practices, placement of identified victims in positions they would have held but for discriminatory actions, back pay, restoration of lost benefits, injunctive relief, compensatory and/or punitive damages, and notice to employees of the violation and the resolution of the claim.

Should the Respondent have further questions regarding the conciliation process or the conciliation terms it would like to propose, we encourage it to contact the assigned Commission representative. Should there be no response from the Respondent in 10 days, we may conclude that further conciliation efforts would be futile or nonproductive.

On behalf of the Commission:

September 26, 2006  
Date

  
John P. Rowe  
District Director



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Chicago District Office**

500 West Madison St., Suite 2800  
Chicago, IL 60661  
PH: (312) 353-2713  
TDD: (312) 353-2421  
ENFORCEMENT FAX: (312) 886-1168  
LEGAL FAX: (312) 353-8555

Kirsten Schutz  
276 E. St. Charles Road  
Elmhurst, IL 60126

Re: Respondent: **A.G. Edwards & Sons, Inc.**  
EEOC Number: **210-2005-01172**

Dear Ms. Schutz:

Attached please find Notice of Right to Sue issued on your behalf in the above referenced matter. The Commission's efforts to conciliate these matters with respondent have been unsuccessful. The Commission has determined that it will not bring a lawsuit against the respondent. By issuing the attached Notice of Right to Sue, the Commission is terminating its processing of your charge.

The attached Notice of Right to Sue entitles you to pursue private litigation concerning your allegations against respondent(s) within 90 days of your receipt of this letter. You may wish to retain a private attorney at this time. The Commission maintains a list of attorneys who have indicated an interest in pursuing cases involving employment discrimination. The list is attached for your convenience.

If you do file suit based on this Notice of Right to Sue, it is requested that you provide us with a copy of the complaint you file in court.

On behalf of the Commission:

10/31/06  
Date

  
John P. Rowe  
District Director

Enclosures

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**NOTICE OF RIGHT TO SUE -- TITLE VII / ADA/ADEA**

(Conciliation Failure)

**To: Kirsten Schutz**

276 E. St. Charles Road

Elmhurst, IL 60126

**From: Equal Employment Opportunity Commission**

500 West Madison Street

Suite 2800

Chicago, Illinois 60661

Certified Mail No.: 7001 0320 0005 9832 6079

On behalf of a person aggrieved whose identity is *CONFIDENTIAL*

(29 C.F.R. 1601.7(a))

**Charge Number**

210-2005-01172

**EEOC Representative**

Gloria Mayfield, Investigator

**Telephone Number**

(312) 353-0906

( See the additional information attached to this form )

The Commission has found reasonable cause to believe that your charge of employment discrimination is true but has not entered into a conciliation agreement to which you are a party because attempts to achieve such a voluntary settlement with respondent(s) have been unsuccessful.

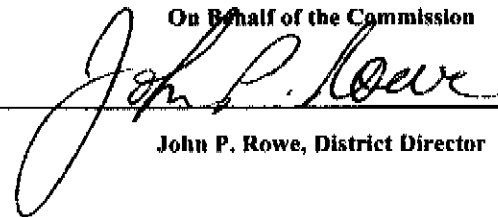
The Commission has determined that it will not bring a civil action against the respondent(s) and accordingly is issuing this Notice of Right to Sue. With the issuance of this Notice the Commission terminates its process with respect to your charge, except that the Commission may seek status as intervenor if you decide to sue on your own behalf as described below.

If you want to pursue your charge further, you have the right to sue the respondent(s) named in your charge in a court of competent jurisdiction. **IF YOU DECIDE TO SUE, YOU MUST DO SO WITHIN NINETY (90) DAYS FROM YOUR RECEIPT OF THIS NOTICE OF RIGHT TO SUE; OTHERWISE YOUR RIGHT TO SUE IS LOST.**

Your suit may include any allegation contained in your charge of employment discrimination or any matter which was or should have been discovered by the Commission during its investigation of your charge.

10/31/2006

On Behalf of the Commission



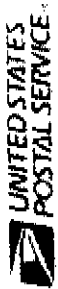
John P. Rowe, District Director

**Enclosures**

Information sheet

cc: Respondent(s)

A.G. Edwards &amp; Sons, Inc.



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## Track & Confirm

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